

SHIBOLETH

Shiboleth, Yisraeli, Roberts & Zisman, LLP

October 19, 2007

By Hand

Hon. Denise Cote
United States District Judge
United States Courthouse
500 Pearl Street, Room 1040
New York, New York 10007

McCarthy Investments, LLC, et al. v. Abbas A. Shah, Linuxor
Asset Management, LLC and Linuxor Capital Management, LLC.;
07 CV 5617, 5618, 5619

Request to File Sur-Reply

Dear Judge Cote:

I represent Respondents Abbas A. Shah, Linuxor Asset Management, LLC and Linuxor Capital Management, LLC in connection with the above-referenced actions.

Respondents respectfully request leave of this Court to submit a brief Sur-Reply, as Petitioners have asserted facts and raised issues that were not previously mentioned in their papers and which Respondents have not had the opportunity to address. Unfortunately, Respondents mistakenly filed a non-final draft of the memo through ECF, but have re-filed substituting the correct version. We attach a copy of the proposed Sur-Reply for the Court's information.

Very truly yours,

Charles B. Manuel, Jr.

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